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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,236	07/19/2004	Reginal A. Pete	205017-9005-00	1885

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EXAMINER

JULES, FRANTZ F

ART UNIT	PAPER NUMBER
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3617

DATE MAILED: 06/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/735,236	Applicant(s) PETE ET AL	
	Examiner Frantz F. Jules	Art Unit 3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2006.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2,3,5-8,10-12 and 14-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2,3,5-8,10-12 and 14-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Specification***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "16" has been used to designate both brake rotor and brake component. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. In addition to Replacement Sheets containing the corrected drawing figure(s), applicant is required to submit a marked-up copy of each Replacement Sheet including annotations indicating the changes made to the previous version. The marked-up copy must be clearly labeled as "Annotated Sheets" and must be presented in the amendment or remarks section that explains the change(s) to the drawings. See 37 CFR 1.121(d)(1). Failure to timely submit the proposed drawing and marked-up copy will result in the abandonment of the application.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

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3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 6, the recitation of "wherein the sleeve bolting flange and wheel-mounting flange are spaced apart when mounted to a brake component to receive the brake component therebetween" is confusing as it is unclear what applicant is referred to with the phrase "when mounted to a brake component to receive the brake component therebetween". Also, it is unclear as to which one of the structures is mounted to the brake component.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 2-3, 5, 7-8, 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Burger (US 2,095,054).

Burger discloses a wheel hub for a vehicle having an axle and a wheel, the hub comprising a sleeve (15) rotatably mounted on the axle, the sleeve having an outer surface and a sleeve bolting flange (45) radially extending from the outer surface; and a wheel mounting flange (54) substantially surrounded the sleeve, the wheel mounting

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flange having a first set of mounting holes as seen in fig. 1 for bolting the wheel mounting flange of the sleeve bolting flange and a second set of mounting holes for bolting the wheel to the wheel mounting flange, the second set of mounting holes being radially more distant from the sleeve than the first set of mounting holes; wherein the sleeve includes a radially extending lug (32) and the wheel mounting flange (54) includes an inner edge with a cavity large enough to receive the bolting lug as the diameter of the wheel mounting flange is larger than that of the radially extending bolting lug.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 16-17, 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burger (US 2,095,054) in view of Gotti et al (US 6,880,682 B2).

Burger teaches all of the limitations of claims 16-17 and 21-24 except for a plurality of bolting lugs extending from the outer surface of the sleeve which receive a plurality of cavities of the wheel-mounting flange. The general concept of providing a plurality of bolting lugs extending from the outer surface of the sleeve which receive a plurality of cavities of the wheel-mounting flange in the shell and flange of a wheel hub falls within the realm of common knowledge as obvious duplication of parts and is well known in the art as illustrated by Gotti et al which disclose the teaching of a plurality of bolting

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lugs extending from the outer surface of a sleeve which receive a plurality of cavities of the wheel-mounting flange, see figs. 3-5. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Burger to include the use of a plurality of bolting lugs extending from the outer surface of the sleeve which receive a plurality of cavities of the wheel-mounting flange in his advantageous wheel hub as taught by Gotti et al in order to achieve a lighter wheel.

9. Claims 6, 10-12, 14-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Burger (US 2,095,054) in view of Bertetti et al (6,076,896).

Bertetti teaches all the limitations of claims 6, 10-12, 14-15 except for a brake component positioned between the bolting flange and the wheel flange. The general concept of providing a brake component positioned between the bolting flange and the wheel flange in a wheel assembly is well known in the art as illustrated by Bedetti et al which disclose the teaching of a brake component positioned between the bolting flange and the wheel flange in a wheel assembly see fig. 1A. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Bertetti to include the use of positioning the use of a brake component positioned between the bolting flange and the wheel flange in his advantageous wheel assembly as taught by Bertetti et al in order to rotationally secure the brake member to the hub thereby reducing vibration in the wheel during braking.

10. Claims 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burger (US 2,095,054) and Bertetti et al (6,076,896) as applied to claim 15 and in view of Gotti et al (US 6,880,682 B2).

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Burger and Bertetti et al teaches all of the limitations of claims 18-19 except for a plurality of bolting lugs extending from the outer surface of the sleeve which receive a plurality of cavities of the wheel-mounting flange. The general concept of providing a plurality of bolting lugs extending from the outer surface of the sleeve which receive a plurality of cavities of the wheel-mounting flange in the shell and flange of a wheel hub falls within the realm of common knowledge as obvious duplication of parts and is well known in the art as illustrated by Gotti et al which disclose the teaching of a plurality of bolting lugs extending from the outer surface of a sleeve which receive a plurality of cavities of the wheel-mounting flange, see figs. 3-5. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Burger and Bertetti et al to include the use of a plurality of bolting lugs extending from the outer surface of the sleeve which receive a plurality of cavities of the wheel-mounting flange in his advantageous wheel hub as taught by Gotti et al in order to achieve a lighter wheel.

### ***Response to Arguments***

11. Applicant's arguments filed 03/27/2006 have been fully considered but they are moot in view of the new ground of rejection.

Applicant's argument regarding the failure of Bertetti'617 to disclose a bolting lug on the sleeve so as to allow the wheel-mounting flange to pass over the bolting lug has been found valid and forces the withdrawal of the anticipation rejection of the claims over Bertetti. The limitations of a bolting lug provided on a sleeve so as to allow the wheel-mounting flange to pass over the bolting lug, however, are fully met by Burger.

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Ash and Dabertrand et al are cited to show related wheel hub comprising bolting lugs and plurality of cavities.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz F. Jules whose telephone number is (571) 272-6681. The examiner can normally be reached on Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph S. Morano can be reached on (571) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Frantz F. Jules



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Primary Examiner  
Art Unit 3617

FFJ

June 2, 2006

**FRANTZ F. JULES  
PRIMARY EXAMINER**

A handwritten signature in black ink, appearing to read 'Frantz', with a large, sweeping horizontal stroke extending to the right.